

**MINUTES OF THE PATERSON BOARD OF EDUCATION
SPECIAL JOINT MEETING OF THE SCHOOL BOARDS
OF THE STATE TAKEOVER DISTRICTS**

May 6, 2013 – 7:20 p.m.
John F. Kennedy High School

Presiding: Comm. Christopher Irving, President

Present:
Professor Paul Tractenberg of Rutgers

Comm. Chrystal Cleaves, Vice President
Comm. Wendy Guzman
Comm. Jonathan Hodges
*Comm. Errol Kerr

Comm. Manuel Martinez
Comm. Alex Mendez
Comm. Kenneth Simmons

Absent:
Comm. Corey Teague

Roll Call for Newark Board of Education

<u>Present:</u> Ms. Antoinette Baskerville-Richardson, Chairperson Mr. Marques Aquil-Lewis, Vice Chairperson Mr. Rashon K. Hasan *Mr. Alturrick Kenney	Ms. DeNiqua Matias Ms. Ariagna Perello Mr. Khalil Sabu Rashidi
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<u>Absent:</u> Dr. Rashied McCreary	Ms. Eliana Pintor Marin
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Roll Call for Jersey City Board of Education

<u>Present:</u> Ms. Suzanna T. Mack Ms. Carol L. Lester Ms. Carol Harrison-Arnold	Ms. Marilyn Roman Ms. Vidya Gangadin Mr. Gerald Lyons
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<u>Absent:</u> Mr. Sterling Waterman Mr. Angel Valentin	Ms. Sangeeta Ranade
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The Salute to the Flag was led by Comm. Irving.

Comm. Cleaves read the Open Public Meetings Act:

The New Jersey Open Public Meetings Act was enacted to insure the right of the public to have advance notice of, and to attend the meetings of the Paterson Public School District, as well as other public bodies at which any business affecting the interest of the public is discussed or acted upon.

In accordance with the provisions of this law, the Paterson Public School District has caused notice of this meeting:

**Special Joint Meeting
May 6, 2013 at 7:00 p.m.
John F. Kennedy High School
61-127 Preakness Avenue
Paterson, New Jersey**

to be published by having the date, time and place posted in the office of the City Clerk of the City of Paterson, at the entrance of the Paterson Public School offices, on the district's website, and by sending notice of the meeting to the Arab Voice, El Diario, the Italian Voice, the North Jersey Herald & News, and The Record.

INTRODUCTORY REMARKS

Welcome

Comm. Irving: I want to welcome my colleagues and fellow Board members to Paterson. We had a very good meeting at our first meeting in Newark and I want to again thank the Newark Board members for hosting us, but it's always good to be in your house. So, I welcome you to the great City of Paterson on behalf of my colleagues and the Commissioners of the Paterson School Board. We welcome the public that is here for this unprecedented occasion, getting the Board members from the three major state takeover districts together for a conversation and discussion about where we are and most importantly where we're going. I want to make sure that we're clear collectively that that is really our purpose, to discuss what state takeover has done and what it means for us, but most importantly – how do we move forward and can we find some collective ways to do that? As we discussed at last month's meeting, many of us are at different stages when it comes to this whole process of local control. Newark has a lawsuit pending and so do we in the City of Paterson. I know Jersey City has been granted some form of control and that has been a bone of contention at least from what I've read in the papers. So we're all going through our different journeys, but we're on separate roads and I think these meetings have all been done under the spirit of trying to see if those roads can merge in some way while still maintaining our individual identities, advocate for our respective districts, and do what we do. At this point in time, I'd like to turn it over to Antoinette Baskerville-Richardson to make some comments on behalf of the Newark Board.

Ms. Baskerville-Richardson: Thank you. I am also very pleased to be here this evening. I am pleased that we are continuing these very important meetings. I don't think that we can move forward collectively without these kinds of conversations where we can share ideas, see where we are, and gauge where we are in comparison to other school districts who are in similar legal situations but who may be having some very different experiences. In moving forward, which is certainly what the Newark Board of Education is doing, we know that it's not just Newark. It's urban districts that are suffering in the same kinds of ways and have the same kinds of problems to overcome. That is again just to say how important these conversations are and also to thank those of you who came out this evening just to witness the conversations and to participate later on in the public discussion. We really thank you for coming out tonight because your ideas are as important as our ideas. I want to thank all the members of the three Boards for coming out tonight because nobody had to but we all understand the importance of this evening and we look forward to moving forward. Thank you.

Ms. Mack: Thank you so much. My Board members and myself are very happy to be here and joining you. Sometimes people think that we are a little bit ahead because we have back partial control, but we're still learning ourselves and the opportunity to meet with Newark and Paterson - the urban districts have so much in common with each other. Unfortunately, we have in common also that we're under partial state control. There is a synergy in getting together and we're very happy that you invited us. I want to also thank our Superintendent Dr. Marcia Lyles, and our new legal counsel Debra Shannon for joining us tonight. We're very excited about being here and we're very anxious to not only participate this evening, but to host the final of the three meetings in this phase. I know there will be many more meetings. Thank you.

Comm. Irving: Just for the record, I want to make it very clear that this meeting is a function of the Urban Boards Committee of the New Jersey School Boards Association. And as Ms. Mack indicated, this is the second of three planned meetings. The final meeting will culminate in Jersey City with the hopes of leaving this conversation with some form of action, whatever form that will be. So what I want to do is turn over to the Newark chair so that she can introduce our presenter for this evening and then we can get the meeting moving.

Ms. Baskerville-Richardson: There's so much that I could say about Paul L. Tractenberg, but he will speak for himself. Certainly, he is a Professor at Rutgers Law School, Founder and Director of Rutgers Newark Institute on Education Law and Policy, and Co-director of the Newark Schools Research Collaborative. He is also the Founder of the Education Law Center, a very important place for us at the Newark School Board - the agency that fought and won the landmark Abbott decision. Just in saying that, you understand that he is a person with a long history of struggle for justice in education. As I said, there's so much more that I could say. I will just give you this one little tidbit. In 2008-2009 Professor Tractenberg taught a special yearlong centennial seminar about the Law School, and he and his students authored a book titled "*A Centennial History of Rutgers Law School in Newark – Opening a Thousand Doors.*" It was published in 2010 and Professor Tractenberg is about to have a second book inspired by the centennial published by Rutgers University Press in August 2013 titled "*Courting Justice – 10 New Jersey Cases that Shook the Nation.*" This is just to say if you don't know of Paul Tractenberg and his history, this is just to give you a little tidbit of the merit of the gentleman who will speak to you now.

PRESENTATIONS

Professor Paul Tractenberg of Rutgers

Professor Paul Tractenberg: Thank you very much. If this works for you I'd like to be able to see both the Board members – and you are an impressive group - and the audience as well, an equally impressive group. I'm very pleased to be here. This is a wonderful event. I think the fact that the three Boards are meeting jointly and planning to, I assume, work together jointly to advance your common interests is a big step in the right direction. There's one piece of background I should tell you. I am born, raised, and public school educated in Newark. I'm a proud graduate of Weequahic High School and I have to tell you one of the things that probably has been most influential in my 45 year involvement in trying to equalize educational opportunities was the fact that when I went to Weequahic High School it was probably a top ten high school in the United States and my passion is directed at the fact that it ought to be again a top high school in the United States. There's no reason it can't be and I hope we can all work together to accomplish it. I guess I'm by nature a little bit Newark-focused because I've spent

much of my life there. I've been at the Rutgers Law School in Newark since 1970. That was a coming home, but I've been home a long time now and loving it still. Let me say a few things to give you a background. Some of this you will know, but I want to make sure we're all on the same wavelength. New Jersey was the first state in the country to have a state takeover law, which was enacted in 1987. It didn't sit idle for long. In 1989 the state took over Jersey City, in 1991 Paterson, and in 1995 Newark. As you've heard and probably know, the state is still in either total or partial control of the three districts. This afternoon I tried to make myself totally up-to-date on the situation so I went to the Department of Education website and I went to the three districts' websites to see what I could learn about state operation. And do you know what? I learned almost nothing. There is no indication on the State Department website that it controls any districts, except I guess there's a news item about it taking over the Camden schools recently. So maybe Camden when it has a Board will join your effort. But I think it's fair to say there has been remarkably little movement in all these years toward total reestablishment of local control. I say that from the perspective of someone who in 2001 was engaged by the Department of Education and the then Commissioner of Education David Hespy to do a study for the department about how it could responsibly and quickly reestablish local control of the three districts. The state then was very anxious to do it. It wanted to do it responsibly. It didn't want to do what some people proposed we should do in Vietnam to end the war, declare victory and withdraw. The department and the Commissioner then, to their credit, really wanted to set the districts up so that local control would succeed. At the Institute on Education Law and Policy, we wrote a long report with a long appendix giving the history of the old law, explaining why the old law could never work to reestablish local control, and making recommendations for improvements in that law. Our report was submitted in 2002, almost exactly this time of year, May 23, and it was to Commissioner Bill Librera. Commissioner Librera turned it around actually remarkably quickly. He submitted a memorandum to the State Board of Education on June 19, 2002 – it seems like ancient history now – recommending that the report should be embraced, that the recommendations in the report should be adopted, and that the state should move ahead to sponsor and support a law which would create a meaningful chance for reestablishing local control on positive terms. That is with a basis to believe that local control would actually succeed. I joined a working group that the Commissioner created to try to think through the process by which we could move to a situation of reestablishing local control. It led to a statute that I have to say is unfortunately deeply flawed, that's the QSAC, Quality Single Accountability Continuum. The main recommendation we made in our report, the key element was that if the state was serious about reestablishing local control in a responsible way it had to devote its efforts to building local capacity to run the schools. In my view that's the single most obvious failure. The old law was a 'take it over, supplant everybody who's local, and run it out of Trenton' law and we tried to say that didn't work, it won't work, it can't work. You have to revise your thinking, you have to approach it differently, and you have to set out single-mindedly to develop local capacity. And when the local capacity is sufficient the state can walk away, take a deep breath, and think it has done a good job. Unfortunately, that never happened. QSAC kind of got derailed in the legislature. The problem was compounded when the department came up with regulations for how QSAC and the evaluation should be implemented. It came up with some absolute craziness. You probably are more familiar with it than I, the questions to which you have to answer yes or no. Do you have highly qualified teachers? You have 99%, you have to answer the question no, and you get zero points for it. That's only one illustration. We submitted a report to Lucille Davy, yet another in the chain of Commissioners, and said this is absurd. It will prevent you from getting a reasonable gauge on local capacity or anybody's capacity and it will distort the ratings. It fell on deaf ears unfortunately. But I think kind of fast-forwarding in my experience there's

been a fundamental change in the attitude in Trenton. The attitude genuinely in 2001 through 2005 and beyond was that we as the Department of Education can't run the three biggest urban school districts in New Jersey. We're not structured to do it. We don't have the capacity to do it. We can only do it in a stopgap emergency way and the sooner we can remove ourselves the better for everybody. But I have to say I think the attitude is much different in Trenton now and I've had a number of fairly long and animated face-to-face meetings with Commissioner Cerf. I think his attitude is state operation is just fine. We have an education reform agenda we want to implement and it complicates it if we have local control or even local voice. He has said to me in writing actually that he doesn't believe in inclusiveness. He asked me a rhetorical question. If you were me why would you invite to your planning table people who didn't share your idea of education reform? I said, "Gee, I thought that's exactly what a planning table is for, where people come together with different attitudes and ideas and you work them out and out of that comes something better." But that's simply not his style and I don't know how much you've experienced it, but I have. So I think it's a different kind of situation and in a way a different fight to get local control back from a situation where the department was anxious to do it to a situation where the department has its own kind of top-down education reform agenda and it's a bother to the state to have locals involved in a meaningful way. So let me mention one missed opportunity in QSAC, but it's not too late to retrieve it. When we did our study and report, we looked at every instance in the country – there were a number and there are more now – where states had taken over the operation of school districts or in some cases states had taken over the operation of municipalities. In the area of school districts we found only one success story and it was Compton, California. It was a success story for somewhat complicated reasons and it's worth two minutes to detour to that. Compton was taken over by the state and after about two years nothing positive had happened. The ACLU on behalf of students in the district brought a lawsuit against the State Commissioner saying you can't just take over a district and then not do anything productive there. You're violating the rights of students. That lawsuit resulted in a consent decree, an agreement between the State of California, the ACLU, and the parties it was representing. That consent decree was in effect until 2008 when the parties agreed that it should be terminated. Every six months there was a report and this is the last of the reports. So if you want to see somebody serious about state operation and building local control, it took after the lawsuit two years for the state to be able to return local control to Compton. It doesn't take 18 years. It doesn't take 25 years. It can be done in a few years if you set your mind to doing it and put the resources in. I just want to say about this there are I think some kernels of an idea that is worth considering because these reports were done by an organization known as FCMAT, which stands for Financial Crisis and Management Assistance Team. It's an independent state agency created by the legislature whose task is to work with school districts and municipalities when they have fiscal crises or educational crises. They are highly professional. They are independent. They're not connected to the State Commissioner, State Board, and State Department of Education. I actually went to Compton while we were doing the report and spent a couple of days there. As it happened they had a surprise visit as they periodically did to one of the schools in Compton of a large team of people with a lot of specialists in different areas. We went through the school with a fine-tooth comb and they had lists to fill out and check that had to do with the safety and cleanliness of the facilities, the quality of the record-keeping by the Board, and everything in between. It was a top-to-bottom review with no advance notice. Schools had to be prepared at every moment for it. I proposed to the Department of Education when we did our report that we would bring as part of our contract with the department a team from Compton to talk both to local state takeover districts and to the department about the experience in Compton and their success. The department basically said, "We don't need that. We don't have to worry about that. We'll do it ourselves." It was a

big mistake in my judgment. FCMAT still exists. The statute which empowered it still exists. The model of Compton still exists. And I have to say the model of the lawsuit still exists. So let me kind of bring it down to the present because I think what you almost certainly are interested in is what can we do about it and I have a few preliminary thoughts. Obviously politics is part of this. Politics is what got you here. Politics is what accounts for the state wanting to retain local control. Just on that point, I have two random thoughts. Andy Smarick, who was the Deputy Commissioner of Education for a while, wrote an article a few years ago in which he said Newark would be an ideal pilot for an all-charter school district in New Jersey. We know some things about charters. They're not always the answer to our prayers or the salvation of so-called failing public schools. The other thing is the Camden takeover. I have some impression that Camden is about replacing public schools with Renaissance schools which are essentially run by George Norcross. So politics are very much at play and if you want to accomplish something I think politics is a part of the solution as well as a part of the problem. I was very impressed in Newark. We had a state budget committee meeting and about 1,000 Newark students showed up to express their concern about the cuts in the school district budget. I think that's something to be cultivated, but I think the students have to be protected because I think there are already some repercussions and punishments. How were you out of school? Why did you miss the day? So I think you have to cultivate the political energy that exists and that sometimes manifests itself very powerfully. I think you need to hold your legislators accountable and it would be nice if they met together as you are meeting together to figure out solutions legislatively to the problem. I would suggest there are two things to think about. One is I don't think the QSAC law is beyond redemption. I think with some carefully developed amendments to it, it might much better do what it was really supposed to do in the first place but unfortunately hasn't done. For example, I said in an op-ed, which I think is what probably triggered the invitation, that the problem with QSAC as it's turned out is that the evaluation is not really an evaluation of local capacity at all. At least in Newark, which I'm most familiar with, I think it's mainly the state evaluating itself because Cami Anderson, the State Superintendent, has tended to rely more heavily on outside consultants than she has on local staff in key positions. Her tone, and the Newark Board members would know a lot more than I about it, is that there have been recently or there are threatened now the termination of a number of people including department heads. So how do you say we're building local capacity when you leave unfilled important administrative positions and use consultants instead, or when you terminate key instructional people? It just doesn't compute to me. I did a little survey. I had mentioned in my op-ed that Newark has brought a lawsuit claiming that under the QSAC standards it was entitled to have local control restored in four of the five categories. Then the state did a quick additional QSAC evaluation and suddenly the scores plummeted. This is drawn from the state's own legal brief in the case. Here's what they indicate were the QSAC scores for Newark under state operation between 2007 and 2012. Personnel in 2007 got a 32% rating. In 2009 it got a 79% rating. In 2010 it got a 42% rating. In 2011 it got a 94% rating. In 2012 it got a 48% rating. Does that make any sense to you? What kind of an evaluation is the state doing? What changed so dramatically from one year to the next and in some cases less than a year? We have a system which is entirely controlled by the state. It's not really local self-evaluation. It's the State Superintendent's self-evaluation. Just a point about that, in one of my conversations with the Commissioner he professed not to understand at all why he didn't have much more support out in the community. Why didn't people understand how he cared about children in the cities? I said, "Chris, let me give you one example of the confusion," and I used these QSAC ratings. I said in July 2011 you sent an official state letter reporting the state's evaluation of Newark and gave all these high numbers. Four of the five were above 80% and several were above 90%. I used personnel and I said, "Personnel was 94%. That seems to me powerful evidence of

local capacity if that's what it measured. But at the end of your letter reporting these high numbers you said, "But I don't think Newark is ready for local control." Then you had another evaluation a year later and in personnel it was down to 48%. To my way of thinking there are only three explanations for that. One, the July 2011 high number was a sham. It was a bogus number. It reflected no meaningful assessment. Possibility number two, the July 2012 number a year later was a sham, a façade, unrealistically low, and not reflecting any reality. The third possibility is in the year that Cami Anderson was Superintendent the district deteriorated dramatically. I said, "You pick it. One of those has to be the answer for this difference," and the subject got changed. But I think the problem is a fundamental problem and it's a problem that you're going to have to cope with. You now have a department that will fight you every step of the way. The legal brief on behalf of the state in the Newark case documents in great detail how willfully bad the Newark schools are as if it's somebody else's fault, not the State Superintendent's, not the Commissioner who appointed her and at who's pleasure she serves. So getting back to my thoughts, legislatively (1) I think is a very careful and effective amendment of the QSAC statute to make it what it was supposed to be, a statute that puts a meaningful focus on local capacity and local control, and reflects a commitment to move everybody, state and local districts, toward reestablished local control. A second possibility legislatively might be to press for a California-style FCMAT law - that is the creation of a professional independent agency that really takes a careful critical look at what's going on and calls it as it sees it. I'd be happy to leave this with you. You can look at it. The work is impressive. There are many indicators and for each indicator these reports which are done every six months give a numerical number on a 10-point scale to how the district has performed. You can see in some cases the numbers go from literally zero to ten, the top number, from two to nine, from three to ten, and at a certain point the district is considered to be fully capable of local control. As I said, in Compton it took two years. It's not the work of decades. California is a struggling state educationally. I don't hold up California as an example of a best practices model often, but this is one case in which I think they got it right and we have gotten it wrong. Let me turn to the last category, which is the possibility of litigation, and it's not a possibility that anybody should embrace lightly. The writer scholar Voltaire was quoted as once saying, "I was almost ruined twice in my life. Once when I lost a lawsuit and once when I won a lawsuit." So the process of bringing a lawsuit and seeing it through even if you succeed is not pretty. It's not easy. It's not cost-free. It's in a sense either an act of desperation because you have no other alternative, or it's a political statement. It's a way to say, "We're serious about this. You'd better listen to us because we'll pursue this suit. We will yank you into the court and we will keep you there, but you can settle it." You can do as California did with Compton. Enter into a consent decree. Agree to correct the problems. I'm not sure that a lawsuit like Newark's is necessarily the way to go. My colleagues at the Education Law Center are involved in it so I don't mean to be critical of them. But it basically argues by your own standards, State of New Jersey, Newark is ready for local control so what's preventing you. My problem with it is if you look a little deeper the QSAC evaluations kind of disintegrate. When you have a pattern like the one I described it's pretty meaningless. So to put a lot of weight on at one time the QSAC evaluations were good and therefore local control should be reestablished. I would rather do what the ACLU did in California, which was to say state operation is turning out to be a sham. The state took over, which is an extraordinary action, because there was a problem to correct, a problem to cure. And we know from Compton it can be cured if you want to in a couple of years. So how can the state justify 24 years in Jersey City, 22 years in Paterson, 18 years in Newark, and miserable results? You can use the state's own legal brief in the Newark case almost as your case. We're not saying Newark is terrible. The state is saying it. By the way, I'm not so sure Newark is terrible. I think we're into an ideology now where public schools are failures and charter schools are wonderful and voucher schools are

even better. A very savvy public education guy asked a very penetrating question. He said why is it that the very best charter school is presented as if it's typical of all charter schools and the very worst public school is presented as if it's typical of all public schools? Neither is true. Indeed, study after study, including one just out about the Cleveland and Milwaukee voucher programs, suggest that actually when you control all the variables comparing apples to apples public schools actually performed somewhat better than charter schools and private schools with kids who got vouchers to go there. So I don't think we as public school advocates have anything to be embarrassed about. On the other hand, I don't think we want to be above using the state's own brief and throwing it in its face and saying, "Look, you've acknowledged, and there's a line in there that I quoted in my op-ed from the brief that said, it's so terrible there are important administrative positions unfilled and administrative positions that are filled with people who aren't competent to do the job." I said in my op-ed the last I checked all of those people were to be appointed by the State Superintendent. The Board doesn't have the ability to appoint. I have to put a little caveat next to Jersey City because I'm not sure exactly whether that's the case with you. But certainly in Newark and Paterson it's the State Superintendent who is appointing people or leaving vacancies unfilled. So my feeling is there are some potential both at the legislative and at the judicial litigation and you need to proceed very carefully and thoughtfully with both those roads. But I think there's some promise that particularly if you get together, if you present a united front, if your communities come out and support, if your students come out and support, you may have something going for you. I think it's by no means hopeless, but it does mean you're going to have to beat back a State Department, a Commissioner, and a Governor who are pretty committed to retaining local control for their own ambitions and ends. I'd be happy to try to answer any questions that you may have. The last thing that I want to say is don't think you're without friends, allies, and supporters. When I started the Education Law Center 40 years ago this month part of the theory was we want parents, students, members of the community to feel that they're not alone and that they have support and expertise. I think there's a lot of it out there. There's more now than there was then. So I think one of the things you may want to do as you discuss how to proceed is to kind of brainstorm about who's out there who can help, what kind of strengths do you have, and I think you'll discover you have many. Thank you and I'd be happy to interact with you and answer questions or whatever.

*Comm. Cleaves leaves the meeting at 7:45 p.m.

Comm. Irving: Thank you, Dr. Tractenberg. At this point in time, having spoken with both of the Presidents of the respective Boards we felt that it might be a good opportunity to allow our colleagues to engage Dr. Tractenberg with questions you all may have with regard to state operation, the QSAC, law, or any clarifications or comments you may have to the comments that Dr. Tractenberg just made. With that said, we'll open the floor. If you have a question or comment just please we have a big dais so just kind of throw your hand up so we can all see it. The microphones are near you. All you have to do is just hit the button, the green light comes on, and you're live.

Comm. Hodges: This is more in the way of a comment. I want to thank you for that very clear and well-presented description of this process and some of the challenges that are facing us. I don't think that these communities hear this side of the issue. You hear the complaints that we're in state takeover, but you don't really hear it from a legal perspective as you have detailed tonight. They don't hear about how the QSAC law actually measures the state's operations as opposed to the Board. As you mentioned, we don't control personnel. We don't have the last say on fiscal policy, curriculum, or anything else. So those QSAC scores actually measure what the State District Superintendent and his staff are doing, which additionally is all controlled by the people

down in Trenton. So I want to thank you for that recitation, which is I think very helpful for this community.

Comm. Mendez: Professor, I want to thank you for that great explanation that you gave us about the QSAC process. As I heard before, in Newark being under state control for 22 years is an occupation and that's how we feel here in the district. On the last two QSAC evaluations in the area of governance we scored over 80%. The law states that if you score over 80% in any category we have to start receiving partial local control. But what I see from the state is that they're violating their own law and personally that's the frustration that I feel. I feel that we're working tirelessly to be in compliance and to have the best score, but my perception is that regardless of our efforts we're not going to receive local control if we don't come together as community leaders and Board members. That's basically my concern. How can we address that particular topic there?

Dr. Tractenberg: The state has made an interesting argument in the case brought by the Newark Advisory Board. It said it's not a bright line. That is, you get to 80% and that's not enough. You have to stay at or above 80%. Again, it's all fantasy. Show us that you can continue doing it. Show us that the State Superintendent can continue doing it. In a system where you can go from 94% to 48% in one year because the state is manipulating the numbers your 80% can become 30% the next time around and it's something over which truthfully you probably have little or no control. So I think what has to be done is to stand up and say this system is basically flawed and we need to deal with the basic flaws. In a way it's dangerous kind of playing the game by these rules because it's a corrupt game. It's a game within the control of the house. The house controls the game and the house is the state. Newark said, "We have 94% in this and 93% and we got 89%, we're ready." The state said, "Wait a minute. We're going to reevaluate you and now you're in the 30s and 40s so you're not so ready."

Ms. Harrison-Arnold: Professor, I've not been on the Board for a long time. I'm in my first term. I remember the first time I looked at QSAC and I thought what does this have to do with raising student achievement. I think it puts us in the wrong direction because we're focusing on building local capacity and it doesn't really speak to raising student achievement. So even if we do as well as we can do with our QSAC scores and our schools still appear to be failing they're not going to give us back local control. We as Boards have to some kind of way keep that balance and keep our emphasis on the QSAC to build our local capacity, but we have to start focusing on raising student achievement. QSAC does not do that. QSAC does not move us in that direction or have us focusing on policies that do that or best practices that raise student achievement. Again, I think it kind of sets us up for failure.

Dr. Tractenberg: I think you raise an important point and I need to go back in history a little bit because you need this context. The original takeover law in 1987 established as the benchmark for reestablishing local control that the district would achieve certification under the old standards, which essentially meant student achievement had to be at the state average. That was not seen, at least in the short term, as a realistic benchmark. So what we tried to substitute, not entirely successfully, was the demonstration of substantial progress toward that goal. But I think you're right. This is all about student achievement ultimately and there has to be a focus on it. Like No Child Left Behind, by 2014 every child is going to be proficient no matter what their circumstances, no matter whether they're special education kids or not, no matter whether they're English Language Learners. Everybody will be proficient by 2014. You can't run an education program that way and I think you have to look at progress. That's why the all or nothing scoring, you either answer yes or no, if you went from 10%

highly qualified teachers to 90% highly qualified teachers you should be getting huge praise not a zero because you can't answer no to the question we're not 100%. I think it's similar in the student achievement area. I don't want to sound like a broken record, but I think there are fundamental flaws in the statute and in the way the department has interpreted the statute. I think the state is effectively using those flaws to retain state control now.

Ms. Matias: I certainly thank Dr. Tractenberg for many of the takeaways that he's given us tonight. I think probably the most eye-opening thing for me was the assertion that the state has not delivered on its promise to provide a thorough and efficient education for our students and taking it from that avenue as opposed to we've met these arbitrary numbers and now give us our districts back. I think it sends a much more powerful message. I did want to respond to the comment about student achievement. I know particularly in Newark it's very difficult to sustain something when the person at the head of the class does not answer to you and does not respond to whatever ideas you may bring to the table. It's very difficult to keep something going when one person has this idea and the person who they answer to is on the same page as them and it doesn't come through a local initiative.

Comm. Kerr: Let me thank you, Dr. Tractenberg, for being with us this evening. For some time now we've been wrestling with the whole business of how we get back local control. You have made some profound statements and arguments tonight. However, I would like to know if outside of the established QSAC arrangement if there is a possibility that something else could be developed and worked with the districts that are taken over by the Department of Education?

Dr. Tractenberg: I think the two ways are change the QSAC law either by amending it or throwing it out and starting over again, or by getting a court to say this is not constitutional. I think the point of a thorough and efficient education is essentially what the ACLU did in California. It said the district is not providing its students with the kind of education our constitution requires and the state takeover hasn't helped one bit. So that was their theory of the case. There the state was willing to agree and enter into a quite elaborate and long-standing consent order. I'm not sure the State of New Jersey is prepared to do that, but I think you ought to test them and that's where I think the politics comes in. They need to be persuaded that the line of least resistance for them is to change the system, not to keep the system in place and try to play it for whatever ends they have.

Comm. Kerr: That is being challenged presently in the courts by Newark and I believe Paterson is waiting for its turn.

Dr. Tractenberg: But I'm not sure the challenge there is to QSAC. The argument there is the state hasn't complied with QSAC.

Comm. Kerr: So it's to challenge the statute.

Dr. Tractenberg: Yes, to say with the best of intentions this statute was put into place but it's not working and after QSAC has been the law since 2005 we've got eight years of experience. We thought it was going to help. It hasn't helped. It's not meeting the needs and the constitutional rights of students.

Comm. Irving: Do you think if the Boards collectively came together and went under the umbrella of the NAACP or the ACLU or some larger entity and challenged the entire state operation system as being ineffective, is there any legal grounds to challenge

that? Listen, after 20 years clearly this experiment still has not worked. Is that a possibility?

Dr. Tractenberg: It's funny you ask that. I was mentioning before the meeting I'm going to be in a meeting tomorrow morning with representatives of the State NAACP who want to talk about a different issue, that is whether there's any legal basis for challenging New Jersey's failures in another respect, which is in the racial segregation area. Without going onto a big detour, New Jersey has the strongest state law in the country requiring racial balance in the schools wherever it's feasible. New Jersey has had one of the worst records on the ground of any state in the country. So some of us have been talking for a while about is there something to be done about that. Is there public support? Is there an appetite to take on that fight? I could certainly raise and actually there might be a response tomorrow morning if I say put the desegregation effort on the backburner for a moment. We have a front burner issue, which is we've got a lot of kids of color who are not getting what they're entitled to and we've got potentially three Boards that are interested in considering whether there's something they can do about it. What do you guys say? So I'm happy to put that on the table tomorrow morning.

Comm. Irving: Can we challenge the state system itself? Can the three Boards in a class action type of way come together to challenge the actual state control system? Is that something that we can do?

Dr. Tractenberg: I think there are always issues raised about what's called legal standing. Can somebody who's in a sense, although you're really not, creatures of the state turn around and sue the state? State law differs, but the way to get around that is you get students from each of the districts and they become the plaintiffs in the case. The Board can support it, but it doesn't necessarily have to be a party, although I think in the Newark case the Advisory Board is a party in the case.

Mr. Lyons: I'm Gerald Lyons. I'm a teacher in Jersey City. I teach at the county. When we met with Chris Cerf, I brought up some statistics that have been given to us by the RAC team that groups of African American and Hispanic students were at 30 percentile and they expect them to go up to 35 percentile over the course of two years. Asian and Caucasian students were at 85% and were expected to go up to 86%. I said I think you're setting the students and the teachers of those buildings up to fail because you're expecting the African American and Hispanic students who are at risk to go up 15% and you're expecting the Caucasian and Asian students who are proving that they're successful in school to go up 1% in the same two-year period. He told me I was looking at it all wrong. My fear is that the people who are working in districts that are in areas that are at-risk and have a lot of issues they're dealing with outside of the classroom are most likely to fail and they're going to be held accountable to have the highest increase over the course of the two-year period.

Dr. Tractenberg: I think it's a fundamental problem. To be honest, I've long felt that as a society we've let lots of kids down because we haven't really attended to the whole range of their needs. I made the choice many years ago to try to focus on the schools not because I thought that was the total answer, but because I thought it was an important element of the answer. But unless we deal with safety on the streets, health care, nutrition, jobs, and decent housing we're not going to position our kids to be in a place where they're going to succeed at the level we'd all like and expect them to succeed. I think it's a big chore, but I guess my rationalization is you have to start someplace and do your best with that place. I chose the schools because I think they're important.

Comm. Irving: Let's take maybe one or two more comments because I do want to allow the public. Although we have a public portion, I think the consensus is that we'll allow the public about a 15-minute window to ask Dr. Tractenberg any questions they may have. We'll do that for a very specific amount of time.

Ms. Lester: Carol Lester, Jersey City Board of Education. When I was first a Board member, I think I came to the Rutgers Education Law Center to see your presentation on charters around the country and the results were really very interesting. When you're talking about the QSAC legislation, are there ways to invalidate it that don't involve a lawsuit? I know in our instance and in what you were reading there are a couple of categories of ways to say that these have been invalid - the arbitrary scores and the high fluctuations. In our district there were some very high scores in certain areas that now that we have new leadership that looked into these areas in a different way we discovered it was in the old leadership's best interest to make it look like things were running well in those areas and to make it look like things were not running as well in other areas. So there are ways to show that these QSAC scores really are not an accurate snapshot of what's going on in the district. Is that something that has to happen? Can it be a case study kind of thing?

Dr. Tractenberg: I think the problem of scoring and the whole approach to the evaluation when the rubber hits the road is more a function of the regulations and the department's policies. One thing you can do is claim that the regulations don't actually implement the statute. They're inconsistent with it. But I have to say that's usually an uphill fight because courts tend to defer to the expertise of the administrative agency. The more narrow and detailed the question is the less likely it is the court's going to get involved. Ironically, courts are more likely to get involved in the case of an argument where there are lots of kids being denied their constitutional right to education than getting into the weeds of how the regulations are working, how the QSAC evaluation is working, and what's wrong with it.

Ms. Gangadin: Good evening, Vidya Gangadin, Jersey City Board of Education. Professor, I would like to thank you for the information you have shared with us this evening. We as a Board have met with Chris Cerf and we had actually as a Board questioned our QSAC scores. It was so funny what you said is exactly what he said to us, "Why are you focusing on your QSAC scores?" The state has been in our schools for a number of years and I know Marilyn was part of the district at that time. Nothing has changed and I think now as the three districts that are involved in the state takeover we really need to focus on uniting together, staying strong...(end of tape) (Beginning of new tape)...I think it's more than time enough that we challenge the state. Thank you.

Ms. Roman: Marilyn Roman, Jersey City Board of Education. Professor Tractenberg, I was in the school district. I was an administrator in the district 24 years ago when the state came in. I left eight years ago to retire and they were still there. I'm now a Board member and they're still there. I said that to the Commissioner. Things have not gotten better. He didn't seem to like that too much, but I think it's true. In some ways we have not been allowed to be better. The kinds of things that they ask of the teachers and the schools are such that you could not do a better job and teach kids the way they need to be taught in order to be able to get out of this situation because of the fact that the testing is what they're looking at. They've taken that narrow route right to the test. My question for you is this. You said that in the early 2000s we had some people who were in the State Department who wanted to really get out of the situation. But now you find that it doesn't seem to be that way. What are our chances of getting something done through the state expect to go to court if the motivation of the Commissioner and the

people around him is to close schools, open charters, and look at vouchers? If those are the goals that they have it's going to be very difficult, would you not think, for us to be able to do this? They already have their minds made up and they're manipulating figures so it makes it very difficult for people who are very honest and who just want to do the job to be able to do it.

Dr. Tractenberg: I agree with you. I think the only hope is to see if you can mobilize legislative efforts. I'm not naïve enough to think that it's either necessarily going to pass the legislature or get signed into law by the Governor. But I think it is an avenue...

Ms. Roman: Doesn't he have charters in his budget now?

Dr. Tractenberg: He has vouchers in his budget and that's going to be challenged legally because there's a serious constitutional question about whether he can use a budget bill to create a substantive program. The Commissioner actually has impeccable legal credentials himself, but seems absolutely uninfluenced by what he may know about the law.

Ms. Roman: In California you said that they have this FCMAT. Was that started with the ACLU and the district?

Dr. Tractenberg: No. The FCMAT actually was in existence. The legislature created it to deal with municipalities and school districts that had a fiscal problem. So they would send in a team and the team would work with the municipality of the district to improve their practices. Then when it came the first time for state takeover of the schools FCMAT was sort of on the sidelines until the ACLU came along and brought this legal suit. FCMAT's mandate was expanded to include operating the district and they were lucky and skillful enough to get a terrific State Superintendent who turned things around in a couple of years. But I think it's an interesting model because what we do when a municipality or a school district gets into whatever kind of difficulty is we have to jerry-build a system. We have to figure out on the spot what do we do, who's going to do it, and who do we get? Bill Librera, the Commissioner, used to say to me, but he also used to say publicly, this is crazy. The department has insufficient capacity to do its original assignment. Now they've added 30% to our responsibilities and taken away 30% of our staff. We can't do any of this. We don't have the right people. We don't have enough of them. We can't run these districts. What's happening now is you have State Superintendents, at least in Newark, and a lot of private consultants, and there are all kinds of Open Public Record Act requests to find out exactly who are these consultants, how are they being paid, how much are they being paid, what are they supposed to do, and how long are they going to be around and nobody is coming up with the answers. You have to sue them to come up with any of the answers. So it's a very arduous, time-consuming, and expensive process. But the state is not going to cave on these things because I think they are true believers that they know better than anybody else what's good for kids. They also know what's going to make a lot of money for their corporate friends. I don't know whether Pearson is a publicly held company, but we should all buy stock in it because they're making money on education every way you can make money.

Comm. Martinez: Just to follow up on a few of the points that our Jersey City colleagues have made, it seems to me that the bottom line criteria by which we will be deemed fit or unfit to run our own respective districts is student achievement. That's always in our conversations what we've heard. Well, you're doing well in governance but the bottom line is we need to see improvement in student achievement. But the ironic thing is in order for us to improve student achievement and close those caps

we're not really given the tools that we need to do so. So that's the catch-22 that we're in. I think needless to say we all know that we're in for a long and arduous fight, but I think how we fight is the fight. So I'm anxious to continue to work with the other Board members so we can be very strategic about how we go about this. It is what it is. The state is calling the shots so we have to be very careful about how we go about this. But again, I'm very anxious to continue to work with everyone here at the table to see the best way we can develop these strategies to move forward.

Ms. Baskerville-Richardson: First of all, to address the issue of student achievement, I was an educator for over 30 years before I retired and ran for the Board. What I learned about student achievement as related to testing is that as soon as a certain percentage of students are able to pass a test then the bar is raised and the test changes. So the state is always able to make that unachievable and always able to control how many students will and will not pass. I think that we have to actually change the conversation when we talk about student achievement. We have to not always refer to test scores when we talk about student achievement. What I really want to get to is multiple tactics and I think that we had a lot of discussion this evening related to the legal strategies and tactics. But I do believe that historically with the civil rights movement, for example, legislation would never have been passed if people had not been in the streets. So what I'm really interested in... In Newark we have a very, very active community regarding education. We have people who come out. We have people who are here tonight. We have people who come out all the time. Our average number of speakers at a Board meeting, if it's under 100 we're really happy. That's how involved people are and yet those people are ignored and people think that nobody in Newark is doing or saying anything. So I'm really interested in conversations about how community activism can work in conjunction with the legal pieces and the legislative pieces and pulling it all together. Professor Tractenberg, just to kind of address some of your initial comments, in Newark at our last Board meeting we passed three very important resolutions. One resolution was supporting the students who participated in the demonstration with several demands, the most important of which was that all suspensions and other disciplinary actions regarding that be removed from their permanent records. We also passed a resolution basically that we would not be called the Newark Public Schools Advisory Board anymore. We're dropping the word 'advisory' and we are going back to our rightful name, which is the Newark Board of Education. I have been doing just some research to try to find out why Newark had to use Advisory Board and the other two state-controlled districts did not. At this point there's no evidence of where it actually started other than the will of a particular superintendent at a particular time. So that is something that we will have to push forward on. It may seem symbolic, but it is very important because everyone has watched *Roots*. When we're called Advisory Board we feel like we're being called Tobi. The other most important vote was that we had a unanimous vote of no confidence in Superintendent Cami Anderson and there were a lot of reasons. In regards to QSAC, because it's different in every district, we lost QSAC points because our Superintendent willfully and consciously made us lose QSAC points by marking us down in governance and all it said in the report was "no as per Superintendent." She refused to tell the Board or even me as the Board President any specific rationale that I can even take back to my Board members and say if we change this or that way of doing things then the Superintendent would not feel that we were in violation. There was no such respect. So what happened is that we realized that when we voted against our budget we could possibly lose QSAC points, but it's just at a point in Newark where we have done everything that we can do as a Board to comply and it is ignored and disregarded. So we're just at a point where not only our Board but the community is at a point where we are ready, willing, and able to look at some out-of-the-box different ways of responding

to the situation. I know that was kind of long, but I just wanted to put that in perspective in terms of Newark and regarding some of the comments you made.

Dr. Tractenberg: Let me just say I think Toni made an important point, which is none of these things are mutually exclusive. Indeed to the contrary they feed one another in a positive way. You can bring a lawsuit because your real objective is to get the legislature to move and change the law. You can do a lot of things at the grassroots that will support either of those efforts or maybe change enough minds so that you begin to see some daylight at the end of that tunnel.

Comm. Irving: If there are any questions for Dr. Tractenberg by anyone in the public, we'll certainly take them. We will have a public comment portion as well. I'm going to ask if you have a question please line up behind the podium now. I see one person. Is there anyone else? We'll have public comments. These are questions specifically for Dr. Tractenberg. Are there any other questions for Dr. Tractenberg directly?

Ms. Viva White: Hi, Dr. Tractenberg. I was educated here in Paterson Public Schools although I live in Newark now. At the time when I graduated I was able to read, write and pass tests. They had CAT tests. I don't know where they say achievement is so low. Does the state really recognize their failure? Have they made any correlation from your experience?

Dr. Tractenberg: No. Their legal brief is filled with a chamber of horrible, all the bad things that are happening in the Newark - the low test scores, the high dropout rates, the low graduation rates as if it's somebody else's doing and somebody else's problem. I've never heard anybody on behalf of the state own up to the responsibility for what they claim are such failures. It's worse than that. The Governor was going around giving outrageously inflated numbers for Newark's spending level per pupil, outrageously low numbers for the graduation rate. In one town meeting he spouted numbers that were directly contrary to official Department of Education numbers that had come out the prior day. It's like there's no shame. We have an agenda, we're going to pursue it, and the facts are not going to get in our way.

Ms. Renee Puliam-Newell: Hi, my name is Renee Newell and I am a Newark Public Schools special education teacher. I'm a product of the Newark Public Schools. I graduated from Central High School. I'd like to ask my Board a question. Is that okay?

Comm. Irving: Actually, these are just questions for Dr. Tractenberg.

Ms. Newell: Are you familiar with talent search and this process that we are now told that we have to go through in order to interview and select jobs that are supposedly a perfect fit? There's a lot going on with the teachers too in terms of the type of discrimination we feel that is being directed at us also, especially the veteran teachers.

*Mr. Alturrick Kenney enters the meeting at 8:40 p.m.

Dr. Tractenberg: I don't know the particulars of that. I suspect the Board members do. I'm afraid it's not something I can help you with directly. Sorry.

Comm. Irving: Do you want to just briefly answer that?

Ms. Baskerville-Richardson: I can just answer that briefly. We are very much aware of the Superintendent's preference for a turnover of teachers. So it just makes sense based on that preference for turnover because newer teachers you don't have to pay as

much and you're likely to see an increase in turnover with younger teachers nowadays as people come into teaching many times just for a few years and not as a career. So we are certainly aware of that and we are aware that is the Superintendent's preference. However, unfortunately with state control in Newark we have absolutely no say-so over personnel matters.

Mr. Lucius Jones: My name is Lucius Jones and I am the founding President of the Statewide Parent Advocacy Coalition. Dr. Tractenberg, we had parent leaders and organizers on the ground in all three cities, Paterson, Jersey City, and Newark. We organized within Paterson Education Fund who was one of our partners in Paterson and we operated out of the YMCA. I think that's somewhere near Kennedy Boulevard in Jersey City. The issue here is that we spent over \$900,000 and \$600,000 of it came from Catholic Human Charities for seven consecutive years of funding. There's a lot of money being spent back on getting parents organized and I'm very proud to see all three Boards sit down together. I think that is a major milestone for us as a community. When you look at Newark being ground zero, and Newark is ground zero, you just don't have Facebook come and donate \$200 million and don't expect something out of it. We're looking at the fact that it is true that they have another level to state takeover. The other level is, how do we control how much money actually is spent on student education other than public education? We have to create a second vehicle. I live somewhere near Central Avenue in Newark and McDonald's and Burger King exist on the same block. They both serve burgers, but you don't give one an edge and the other not an edge. This is what seems to be happening with state takeover. I'd also like to point out when we get local control, what does local control look like? For example, Newark is 24 square miles. Eight square miles in Newark is occupied by the Port Authority which barely pays any contribution to public education and only 29% of the homeowners pay property taxes. So we need to also be concerned about if the state was to walk out of some of these districts today who would be funding the schools and would that burden fall on the school district. So we have to make sure we protect the amount of dollars that the state is contributing to public education and that they don't walk out of here and leave us with a bankroll and say now you guys have to fund your own education system. So the point that I'm trying to make to all three Boards is that there's a lot at stake because they claim that it costs \$8,000 to \$10,000 to educate a kid in charter school and an exorbitant amount to educate a kid in public school. I'm a past student with a visual disability and children with disabilities who are emotionally disturbed you don't see a lot of those in the charter schools and if you do see them they're 16, 17, or 18 year olds in the sixth, seventh, or eighth grade with no PRC or plan on how they're going to improve. But they slip through the cracks and then they toss them back into the public school for us to try to figure out what to do with them. So there's a lot going on with this public education system and with this national trend that's coming out of Washington D.C. I don't know what party it is because sometimes it looks like that party or that party. I don't know what party it is anymore, but what I can truly say is that it seems to be attacking learning on the basis of zip codes and those zip codes predominantly are kids of color, brown and African American. So we as a community, and I'm talking Jersey City, Paterson, and Newark, have to come together with an answer because if we don't come together with an answer in a little while there isn't going to be a school system to fight for.

Comm. Irving: I just want to remind folks that this is just for questions. That's a great comment, but this is just for questions for Dr. Tractenberg in particular because there is a public comment portion that we're going to get to next.

Ms. Janet Brieva: Good evening. My name is Janet Brieva and I actually do have a question. As the parent of a child in sixth grade and the parent of a child in twelfth

grade, who would I contact if I want to sue the State of New Jersey? Would I communicate with the ACLU directly? Or would I have to go through my School Board? Or it is an action that my husband and I have to take independently in order for my child who's still in the sixth grade and still has a little bit of a chance to get the best education possible before we have to go out-of-district?

Dr. Tractenberg: You certainly don't have to go through the School Board. You're certainly free to bring a lawsuit in your own name or on behalf of your child. There are some resources. The ACLU is one. The Education Law Center is another. There are clinics at Rutgers Law School. I don't know whether your child has a disability. We have a special education clinic and a constitutional litigation clinic. There are places where legal services are available without charge. The broader societal problem that we're confronting is the National Legal Services Program is being starved of funding. They're letting lawyers go and they can take on fewer and fewer cases. But technically you have every right to bring a lawsuit in your own name. You need to search out a lawyer who's prepared to represent you. It's possible to do it pro se, as they say, which is by yourself, but that's not something I think most people feel they can do comfortably or successfully.

Mr. Bilal Hakeem: Good evening to all three of the Boards of Education and the gentleman from the Education Law Center. This is such a historic meeting this evening and I was just curious why it was not recorded on video to show on television again. That's one question. The gentleman from the Education Law Center mentioned that in the logic that the state used to take over there were indicators. Where is the documentation on those indicators when they took over on August 7, 1991 and the documents when they took over in Newark as well as Jersey City? Is that a matter of public record for us to see?

Dr. Tractenberg: Yes. There's more than you would want to see. There are a lot of long reports. There were actually lawsuits brought by Newark and Jersey City – I'm not sure about Paterson – challenging the takeover. I actually met with the Newark Board before it was taken over. They were trying to figure out what to do and one of the things I said and it was not said facetiously was at the time I happened to live in Milburn and I said why don't you ask the state to apply the same standards to the Milburn School District as they're applying to the Newark School District because there were things in the report that hardly seemed like they were indictable offenses. There was no carpeted area in the kindergarten where children could sit on the floor and have stories read to them. I knew from my children in the Milburn schools they didn't have any carpeted areas either, but Newark got marked down for that. So one can question whether the state really had a sufficient reason to take over in the first place, particularly if they had reason to know they didn't really have capacity to do much about what they took over. So the whole thing was kind of born under a cloud in my view.

Mr. Hakeem: Where is the document for Paterson? Can we get a hard copy of that?

Ms. Waheedah Muhammad: Waheedah Muhammad. You made the statement that we have many friends and allies out there and I just want to know who they are and where they are.

Dr. Tractenberg: Well, I can tell you there are a lot of us at Rutgers who are friends and allies and trying to work in various ways. I'm not officially affiliated with the Education Law Center, but it was my baby and I know they're still there and working. They're working with the Newark Advisory Board on the lawsuit. We're in an era where the world of public interest law is being starved. The ACLU is a friend and ally. There are

schools of education you should insist become your allies, if they're not already. Rutgers has a big graduate school of education in New Brunswick that ought to be paying attention to issues like these and I think if you reach out you may be pleasantly surprised. It would be nice if they reached out to you, but if they don't...

Ms. Muhammad: You'll supply us with a list of those people that we need to reach out and touch?

Dr. Tractenberg: Sure. I'd be glad to.

Comm. Irving: Thank you everyone for your questions. As per the agenda we have there is an opportunity for the Board to dialogue based on some of the comments that Dr. Tractenberg gave. But given that it is 9:00, I think it would be advantageous for us to hear from the public first and then with the time that is left allow ourselves to dialogue thereafter.

PUBLIC COMMENTS

It was moved by Comm. Mendez, seconded by Comm. Guzman that the Public Comments portion of the meeting be opened. On roll call all members voted in the affirmative. The motion carried.

Comm. Irving: If there are people who want to speak for the public portion we're going to ask you to just file one straight line behind the podium. As you come up, I'm going to ask each person to please introduce themselves for the record. As we do here in Paterson there's a three-minute time limit, so you'll hear the buzzer go off when the time has elapsed.

Ms. Irene Sterling: Good evening. My name is Irene Sterling. I'm President of the Paterson Education Fund and my organization proudly helped underwrite the case that the Paterson Board of Education has brought against the state with regard to state takeover. We continue and pledge to do everything we can to help us all get out of state operation. I want to talk a little bit about what I believe the state is looking to do because they are following a very clear script with regard to the people who are doing privatization issues around the country. Texas is the most recent to pass this particular law and that is to create something called achievement school districts. Achievement school districts are districts that are created by taking what they are calling failing schools out of the control of whatever entity currently has them – that would be state-operated districts in New Jersey as well as other districts – and creating a specialized district with specialized rules for them. If they were to do such a thing here in Paterson approximately half of our schools could be taken under the current regime that they are talking about with regard to a combination of test scores and other indicators. This had already been done. It was practiced in New Orleans first after Katrina and it has just been instituted in Tennessee and as I said just passed in Texas. So if you want to know what's coming if we do nothing, this is what is coming. So I strongly endorse the combination of litigation and legislation as a tactic. I also want to say that organizing across the state is being supported by a group of foundations and we have a new player in the group, which is Save Our Schools New Jersey, which is the first entity that is working out of a basically suburban power base. The issue around which there is interest on both sides is around changing the over-testing. One of the strategies that we can use to create more support for ourselves in the work that we want to do is to work with Save Our Schools New Jersey and align with those issues in which we agree, one of which would be the opt out testing rule. I want to thank the three Boards for this

work and I pledge the Education Fund's support for the work that you do going forward. Thank you.

Mr. Dave Gilmore: Good evening. My name is Dave Gilmore. I'm a product of the Paterson School System and I came to bring the politically incorrect. Where's Dr. Evans? One of the things we find in the problem of these state takeovers is that we get these state-appointed superintendents that attempt to serve two masters. You can't do that. You're not representing our children. You're representing Commissioner Cerf and/or his agenda, which I found very interesting in the professor's dialogue, which does not really have anything to do with education. The \$560 million that is allocated to Paterson and/or close to a billion in Newark and I don't know Jersey City, the purpose is to siphon that money off, give it to their friends and some other so-called education professionals or groups created to steal that money from education. That's the bottom line. They're taking the money from the newfound wealth of the educational system to enhance and promote themselves - end of story! That's what it is. We have to fight. We have to invigorate our communities to come and participate. I'm embarrassed that we only have 40 some odd people here in Paterson to 20 some odd here on this Board. It's 2-1. This place should be packed. I don't think you'll see that in Newark. I know they're coming in Newark because it's a different spirit in Newark. I'm not indicting the Board, but we need to find a way to energize this community to come and fight for our kids. This is sad. It really is. I would hope that there would be a newfound energy to try to bring people to the table because that's where change comes from, the squeaky wheel. Our wheel is not squeaky. I would also echo Mr. Hakeem's sentiment as well. It should have been taped because those folks too lazy, too busy, or whatever the reason for not coming - I'm trying to maintain some level of political decorum - maybe they'll watch it at home. So maybe we should make an effort to try to film some of these things. This historic opportunity has passed, but maybe in the future we can continue to try to put that information out there for others to be able to participate. Thank you.

Ms. Muhammad: Waheedah Muhammad. I just want to thank you again. As the previous speaker had said, this place should be packed because when I found out this morning that this was going to happen it really lit a fire in my stomach that we were going to finally come together and do something as a collective body that this state is under siege as far as our children are concerned. So I want to truly thank you for being here. The date for Jersey City you can give me that after I'm finished because I know the buzzer is going to go off in a minute. Please let us know the date for Jersey City's meeting so that we can try to do a better job at coming out and letting somebody know that we are concerned about our children. I want to also address the fact that the Professor stated that maybe politics play a part in this. I want to tell you - that's the biggest part of the problem that we have because they have found out that this is a cash cow gone awry and that's what is happening to our children. They're being sold to the highest bidder. I have nothing against charter schools. Trust me. But until they find another way of funding them I'm going to always have a program with them taking the money off the backs of our children who can't afford to go to someplace else. The other thing I want to say about this whole state takeover idea is it was by design. If the state has been in charge of these districts for 30 years it means that they were running things. So if they have run it off in the ditch, then that's the reason that we're in the problem that we're in now. Let's not act like we don't know why this is happening. So I just want to say to you again please let us know when your next date is so that we can sort of come together to see just what it is. With an open fist we might not be able to do too much, but when we ball it up we can do a lot. So we're going to have to punch together and I'm ready to do that. Thank you.

Ms. White: Good evening. My name is Viva White. I'm a resident of Newark, but I'm definitely a product of Paterson Public Schools. I lived here all my life and then as an adult I moved to Newark. I want to quote a couple of people. Frantz Fanon in his book *The Wretched of the Earth* says, "Education is a tool of the oppressor to maintain oppression." *Pedagogy of the Oppressed*, which was written by Paulo Freire, in that book he says, "It's the oppressed that lead it, not the oppressor." We have to be mindful of that. They are not going to do anything to us because as you said it was Senator Rice who coined that term in regards to it's an occupation. It also takes me to the Tuskegee Experiment. Everything that they do they're experimenting on us. They do not go and experiment on their own children and they think that we're just cases. It's also total class warfare even though it's predominantly in poor neighborhoods. It's not so much like black and brown. It's just that the majority of black and brown people are poor and we need to recognize this. Those of us who are educated need to help in this fight. As I've said, I told the Superintendent I was insulted and very much embarrassed when I heard her say that she's just relaying on test scores. We need not so much feed that propaganda because learning is not just measured by test scores. I'm an adjunct professor and I tell my students here at Passaic County Community College, which I'm an alumnus of, that learning is measured when you can teach someone else. So when I know three times three and I can teach it to someone else that means that I have learned it, not just regurgitate that data when I take a test. I have taken a test and passed it. Then you test me on it and I don't remember any of it. I just learned it enough to pass it. We just have to be mindful of that and we have to be mindful that there are different ways that we can learn and we have to believe in ourselves that we have what we can take to make our city and our communities better. I like this idea that all of these School Boards are coming together, but we need to bring Camden in. I read in an article the other day in *New Jersey Spotlight* that they are not fighting the legal challenge of the state coming in and taking over. As he said, George Norcross is down there and that's a problem because it needs to be a fight. We cannot be so bewildered that we think that we can't fight and that we need state takeover. It has been proven in Newark, Paterson, and Jersey City that they have not done anything progressive. It has just been a total regression and they're just saying that we're total failures, but they are the ones who are the failure.

Ms. Alviria Spencer: Good evening, Alviria Spencer, proud Paterson parent. First, I would like to thank the Professor and all the School Boards for this interesting collaboration. I would like to know is there a blueprint or a master plan that can be used to guide all the school districts in an effort to gain some type of local control, what that would mean for the City of Paterson and other districts, and how can we implement that and move the school district forward. Thank you.

Mr. Eric Lowe: Good evening, Eric Lowe, Paterson, New Jersey. I'm a little bit disheartened for the fact that a meeting of this magnitude with three state-controlled takeover districts we don't have the people here. It's not the fact that it was not publicized. The fact is that if you want to send a clear message to Trenton this is the most important election outside of the presidential election ever. These are our children we're talking about. In Paterson there are 36,000 children that go to school here and less than 1% of the population comes out and votes. Alex, I love you dearly. By 2,200 votes you won your election when there are 60,000 registered voters on the books of Paterson, the third largest city in this state. That sends a clear message to Trenton we don't care about our children. We don't care. So how can Trenton say we care about our children when we don't care about our children? This auditorium should have been packed and I can tell you as an African American republican in this city who sometimes does not agree with this Governor if you want to send a message to Trenton of the urban districts and our people don't care to vote in the most important election in this

state. He can come to my town and he has and he has defamed every minority in my town, in East Orange and everywhere else and as a republican he doesn't care about anybody else but the Republican Party. But if we don't wake up our base and our parents it means nothing. We can have all the meetings. We can meet in Jersey City, Newark, Camden, and everywhere else but it means nothing if people don't come out and vote. Less than 1% of 60,000 voters come out and vote. 2,200 votes do not make Paterson. Barack had 60,000 votes in this city and how many votes did he have in your cities? We need to wake up and realize what it means for local control. Our taxes are being raised. They don't care about us. As a republican I can tell you they don't care about us. Wake up. Wake up our base. We're better than this. Our children are better than this. You are reflections of where we come from. We grew up in urban areas and we have excelled. We are the blueprint for what our children will become. I'm preaching to the choir right now because there's nobody here but the faithful. We come to every meeting. Newark had a good turnout, but where's Paterson's turnout? Thank you.

Ms. Nicole Fuller: Good evening. I'm Nicole Fuller from Paterson, New Jersey. I was just sitting out here listening to what everyone had to say and I was trying to decide whether or not I was going to get up here and speak. As an educator here in Paterson, I am disheartened every single day by what I see going on. You may sit up there as a Board member but until you come and walk in the shoes of the educators here or around you just don't know the plight. You don't know what it's like to have a child that's being tested and tested and constantly being told, "We're going to give you another test," and they don't pass. "I'm going to give you another test," and they don't pass. What are we doing to the children's self-esteem when we're testing them on things that they cannot do? Until we learn how to meet these children where they are and fill in the gaps in their foundation this is a waste of time. We're not meeting the needs of the children. It's just a bunch of adults getting together having conversations, but we're not really doing anything for the children. Like I said, I get to see it every single day. They want to know another test? My children attended private school. I put them in public school this year. My third grader who is eight years old said to me, "Mommy, all they do in this school is test. They don't even teach us anything." She's eight years old. Now, she has the foundation so she's okay. But what about the children who don't have the foundation and the only thing we're focusing on is testing. When the children don't know how to do something because we're moving too quickly guess where we place them? Special education because there's no intervention in between. We go from the regular class and we're told you have to let that child fail in order to get help. Can somebody up there explain to me what sense that makes? Why do we allow a child to fail before you help them? This is going on every single day. Someone needs to take a closer look at that. Obviously somebody does not know what it means to educate a child. You don't take them from regular education, let them flounder and fail, and then say let's see if we can now give them special education services. Where is the intervention in the middle? So I'm just saying to everyone here you need to get into the schools and take a closer look at what's going on in the schools and what the children are dealing with on a daily basis when the teaching is shallow. It's not because the teachers don't want to teach. It's that we have so many other things that we're consumed with that we're just grazing over and introducing material. Today we're doing angles. Tomorrow we're doing points. The next day we're doing this. The kids' heads are spinning and guess what? So is mine. I'm educated and I'm sitting there and my head is spinning. It's too much. When you have these meetings and you're talking about local control and all that, let's focus also on the needs of our children and meeting them there they are. They're hurting and we're doing so much damage to our children. Thank you.

Mr. Jones: In Newark, Toni only gives us one shot at the mike and I figured... She knows I have the longest speaking time of all the people who speak. I'd like to say that I've been to many meetings. I've been to meetings with 2,000 people. I've been to meetings with 5,000 people. I've been to meetings with 20 or 30 people and I've learned one thing. It's not just about the quantity of the people at the meeting. It's about the quality of the meeting. If we come here and we learn something from each other and we are able to take that information and apply it, then the quality will produce the quantity. I got up here the first time and I spoke as an advocate and I can be an activist too. I got a partner that I hang out with. Her name is Ms. Jackson and she's queen hell raiser in Newark and sometimes she comes to Paterson to try to sprinkle a little bit on you guys. But I say to you that when you have been disenfranchised to believe that Boards, whether they're called advisory or commissioners or otherwise, are going to solve all your problems and all roads lead to the Boards, and people in Trenton are making the decisions, whether it's the State Board. I had the pleasure at a meeting two weeks ago to see the President of the State Board who is also an employee of my Mayor. When we started asking him a question he started getting fidgety and he was the first one out the door. So I say to you that in order to be a squeaky wheel you have to find something to squeak about. I think the parents will join along if you set higher expectations for them instead of them depending that you will solve the problems by yourself. I have been inspired to bring back something in Newark called the Elementary Parent Council since the majority of Newark is elementary schools. After they have flattened the elementary schools and have merged one failing school into another failing school with no resources, no money, and less teachers. We have one of the largest mergers in Newark's history, 13th Avenue and Martin Luther King. Schools have been merged but no resources for kids. Lastly, my daughter came home and she said that all her friends in school in eighth grade were crying because somebody down at our central office decided what high school they were going to go to. These kids didn't want to go to these particular high schools. Interestingly enough, my daughter has been chosen to go to one of the best high schools, University High School, but she never filled out an application. So, why was she chosen to go to this particular high school and she never filled out an application? Because they don't want to hear from me and that is what's happening. They are giving folks who they think are going to be the nosiest what they want and the ones who are going to be quiet they just say, "Let them be quiet." Board, you continue what you're doing. I didn't thank the Superintendent from Jersey City for coming because she needs to be thanked for being here. That shows courage, especially to be here with three Boards. So I'd like to say to this Board you continue what you're doing, but make sure you trickle it down. Trickle it down through your system, your parent committees, your PTAs, and your PTOs. Create a system where parents can get involved and can hear what's going on. You can do that because you're by the people for the people. Thank you.

Mr. Amod Field: Good evening everyone. My name is Amod Field and I'm the Principal of Operations here at JFK Educational Complex. I'm here to say thank you for coming together and meeting. I have a lot on my mind. I'm known to speak my mind. I want to say that the last time I saw my Board members – I see them often – and I know they're about the people. But when I look at the audience and when I was looking in Newark and at the time we did have a few members from Jersey City present at the meeting in Newark. I'm very reflective. I appreciate *The Pedagogy of the Oppressed*. I'm thinking the only time that I can share something with my Board and over the Principal of Operations of this building to be heard possibly was to speak at that meeting or be in an executive session to be able to speak to the body or come to a public forum to speak my mind about what I feel is going on in the city and in my building. But I saw someone tonight that I had an opportunity to work with for a couple of years, Ms. Harrison-Arnold, when I was a part of the Hoboken charter school. And what I realized is that if we can

do something proactive when I had a problem I sat on a board of trustees where I sat next to the president, vice president, and whoever, and was able to share the issues that I had in my building or in the surrounding areas of Hoboken and share it as a non-voting member on that board sitting in that public charter school. I'm sharing this with you because I want you to understand my grandparents spent over 50 years in Paterson, New Jersey. I'm saying this to you because I strategically made sure I was employed by a public school, a catholic school, and a charter school before I ended back in Paterson, New Jersey where my grandparents lie. I'm sharing with you that we need to be active stakeholders in the conversation so you can hear authentically what's going on. You have to be prepared technically to be fired from your job to do what's right for children. A lot of my peers that I sit with are stuck with dealing with their families and who they have to feed at home versus doing what's right for those that are in front of them every day. We have an issue with race in this town and all of you who are sitting on your Boards we as the change agents have to be able to discuss race among ourselves. There may be someone sitting next to you in their core when I'm facing the Dominican, Black, Latino, and Arabic problems that I have in this building they're being taught that from home. Some of you who are sitting before me right now may have some serious reservations about how we deal with Latino, Puerto Rican, and Dominican and what part of the continent you may be from. But if we're the change agents we have a responsibility to be able to share that information. I thank you for your time.

It was moved by Comm. Guzman, seconded by Comm. Mendez that the Public Comments portion of the meeting be closed. On roll call all members voted in the affirmative. The motion carried.

GENERAL DISCUSSION: HISTORICAL AND EMERGING IMPACT OF STATE CONTROL ON LOCAL COMMUNITIES: BUDGETARY AND EDUCATIONAL ISSUES

Board Dialogue

Comm. Irving: We are now going to begin to land this plane in our conversation with each other. The agenda discusses historical and emerging impacts of state control on local communities. I think the groundwork for that has really been laid out. When I was speaking with Ms. Baskerville-Richardson in the back and even talking to Ms. Mack I am much more interested in having a conversation of what options we have and where we go. We can begin that here and then ultimately make a decision on what options we want to pursue in Jersey City. I think that conversation is probably more fruitful for us now. We know where we are. We know how we got here. So let's try to figure out some solutions for doing that. One that I will just throw out there and I've talked about amongst our Board even before we took the legal action on our QSAC piece. I believe that the districts should come together to challenge the state takeover process in its entirety. I think there's enough documentation and evidence over the course of the last 20 years to prove that state takeover is ineffective and inefficient. We can find plenty of plaintiffs and subpoena former Commissioners who can testify to the fact that this experiment sucks. It just does not work. It is inefficient and ineffective. I just think that might be one option that I'd like to throw on the table. I'm just throwing that out there for comments and feedback and suggestions.

Mr. Aquil-Lewis: First, I want to second your idea. I love that idea. But not only former Board members, but also former superintendents who experienced state takeover as well who may be able to testify how state takeover has affected their ability to perform as a superintendent. I also want to throw out there the suggestion that maybe we can bring together the three Boards and also invite Camden to join us and do a day of

outrage. At the June State Board meeting we can all go down there and protest. We can get buses, go down there, and do a day of outrage at the next June State Board meeting.

Ms. Baskerville-Richardson: I'm not saying this in disagreement with the direction you've just given. Jersey City was not able to join us at the last meeting and we did have some discussion about the differences in the three districts. I am lacking information. I'd be interested in hearing just briefly from Jersey City in terms of how state takeover actually manifests itself right now. You're in partial and we're all in full state control. I think Newark in particular is kind of in a horrific situation because our Superintendent's philosophy is very closely aligned with Commissioner Cerf's. So we suffer on top of it being a state-controlled Board. If you may just take a few minutes I'd like to hear from Jersey City because that would help me in terms of just framing thoughts for further conversation.

*Comm. Guzman leaves the meeting at 9:45 p.m.

Ms. Mack: I've been thinking about it as I'm sitting here because one of the...(end of tape) (Beginning of new tape)...we were as riled up and we had as many long nights railing against the fact that we were in state takeover for such a long time. While Professor Tractenberg is here we actually started to go back to local control in 2001 and we went through a great deal of effort being told that if we did this and that then we'd get back local control. As he says, it was changing administration, this and that. We had an opportunity last year when we were doing the superintendent search where we really started to see that even though we had gotten back local control in some areas the state came in and appointed a highly skilled professional to our district that had veto power over our entire agenda even though we were back to local control in certain areas. I haven't even spoken to my Board about it, but we were presented contracts this time last year for our associates. Now you have to have contracts. You didn't used to have that, but you have to have contracts. On a motion to table by Carol Harrison-Arnold we tabled that action because we thought it would be more appropriate to wait until the new Superintendent came in and we had a couple of different candidates coming in. We tabled the motion and then the next day we woke up and the highly skilled professional decided to put it through. That's when you feel the thing on your neck that says it doesn't really matter how much you think you're back to local control. That chain comes in from Trenton and then you realize they're still in charge. So until you really get back everything you really don't have anything. What we find also is that we have back personnel, or at least Chris Cerf came in and told us we have back personnel, but our lawyers told us you can't vote anything down because it's the Superintendent's recommendation and you have to have a reason to vote it down. You can be legally challenged to vote things down. I think Marilyn has tried to be our conscience on this by saying you're not going to vote if you don't feel it or believe in it. So we're struggling at a different level than you are because we think we have local control in some of those areas. Carol here is our QSAC lady. She has gone through the QSAC reports over and over again. The situation that you were talking about I was amazed that you were going through what we were going through on QSAC. We got back local control because we had such high marks in governance. Then last year we plummeted to 44% and then they said, "By the way, if you're there for two years you can lose governance too." So there's no way you go from 80% to 40%. Nobody did anything bad in between that hadn't been going on forever. It's all smoke and mirrors. That's what I heard from the Professor. I read his reports at the time, but we were going to have hybrid boards and different types of boards and they kept coming up with things that we could do to get back local control. Now we think we have local control back but now we have the RACs. So we see the RAC process the way that they're coming in

and taking over us right now. This is very good because we've just started to have a conversation on getting back into the local control issues at one of our last retreats. We've had about 12 retreats but we have a retreat like every other weekend because we have so much work to do. We just started to do that and we just started to pull out the QSAC again to find out where we were. So, us coming here tonight gives us a great deal of more focus. You just focused us back into the larger picture I think of what's happening statewide, which is very endemic by putting us all together. We're all the same. We have all the same thoughts, such as student achievement, and putting that prism and that focus on it really gets us down to it. I enjoyed the Professor because obviously they don't want us to have local control so we won't because they're the controlling agent. You have to go to the state to ask the state and if they don't want you to have it then they're going to continue to make those determinations. I think my Board will go back with you and discuss what those next steps are. It's very interesting and I really appreciate you bringing us here.

Ms. Roman: I'm willing to work with all of you on anything that we can do together. I think that's an important thing. I don't hold out a lot of hope that the State of New Jersey will change their minds because they have something in mind and I think it's a long-term plan that they are not going to let go of because they have people they have to satisfy on the outside. They're the people from Mr. Tepper's group, the people from the Broad Academy, and all these companies that need to get fed. That's all political and that's what's happening here. That's one of the problems. I'd like to thank Dr. Tractenberg because he's been very enlightening today. But the lady who's going up the corridor now, I'd like to thank her because she said exactly what I always think and what I say very often. The kids are not being taught properly. They're just rushing to test them. They test. They assess. They test. They assess. We have kids who aren't able to tell us that they know the things that they're coming to. For instance, you get a child who's going to be able to read a story. That kid knows nothing about the place where the story takes place. It's nothing about anything that has to do with that. How does he come to that story? How can he learn anything? That's why we have so many problems just with comprehension. They don't understand what they're reading. We need to teach a new way. We need to use new methods. We need to get down to where the kids are and be able to start doing that and we will never, never, never, do that until we stand up and say the RAC way is not the way. We have some other things that have to do here, but we need the cooperation of everybody to do that. I'm willing to go forward with that. It's why I got on this Board and why I'll spend three years here in order to be able to do it. I went to the Jersey City schools when Lincoln High School was the number one school in the State of New Jersey and the best football team too. We had it all and now we have absolutely nothing and I can't take that. It just bothers the heck out of me that our kids are better than that. They can do it. We just have to provide the way for them to do it.

Mr. Lyons: My biggest concern with the RAC system is every time they've met with us they say that it's a work in progress, there are a lot of things that haven't been decided yet, the benchmarks are not firm, yet the clock is ticking for two years. After two years we'll be decided whether we're failing by the state's mandates, by the state's employees who have taken 30% of our Title I funding. They're the ones running everything and then we'll be deemed a failure so that our schools will be up to whatever plan they have. Yet they don't even know exactly what they're going to do with that yet. So my concern is that we're being set up so badly that we're going to fail. This one man came to one of our meetings with the Save Our Schools, which if you haven't seen them they were incredible. The woman that spoke to us, a doctorate from Harvard, was incredible. One of the men that spoke at the meeting said if you look at all these schools almost all of them are within a very specific zip code in Jersey City where I live. That district is

heavily minority and that is where all these problems are occurring and it does not seem like it's coincidental.

NEXT STEPS

Comm. Irving: We're just going to come around and give everyone an opportunity to give suggestions and recommendations for moving forward. Based on some of the comments we've had that would be great. I just want us to be mindful because we did advertise ending at 10:00 and it's 9:30 now. So I'm going to ask us to be poignant, but also direct as well. If you don't have a comment you can just pass and send it on to the next person.

Ms. Matias: My only comment or suggestion is that in addition to some of the great takeaways that we got from Dr. Tractenberg that we just each look within our districts to our own evidence of state failure. Especially in Newark we have a high teacher turnover ratio and the issues within special education. We've had numerous lawsuits that had to be settled. The state of our facilities – they are literally crumbling and the state has failed to move on. In addition to the numbers that they're always quoting about our NJASK scores and graduation rates, if we all just look within our own districts for evidence that can support, if that is the plan to move forward, the suit against the state for failing to uphold the constitution and deliver a thorough and efficient education to our students. Thank you.

Mr. Kenney: Good evening to everyone. I just wanted to add a couple more things. Outside of June 5 attendance at the Board meeting is critical with Board members here as well as parents and community activists in our respective locales. I think it's also imperative that we have a position paper or an editorial. Something needs to go out amongst all state controlled districts partial and full to let people know in the broader community what the issues are that we commonly face and also make sure that we also have different newspapers that have access to different populations. I think that's something that needs to go out on our behalf to make sure that we all have a common theme. Third is, as my Board colleague stated, a facilities report came back from one of the school districts where the Mayor controls the school district, East Orange, and they were able to build and/or change seven schools. The City of Newark is a lot larger. Our inventory is about the same. So I think a facilities report amongst all the school districts when the state was supposed to build new schools to make sure that we met the mandate that was constitutionally recognized and were legally provided. We need a status report as to where we are right now. The last thing is a personal thing of mine. There are a number of profession developers that have found their way into our school districts and they're from the same group of people and they preach the same philosophy. Unfortunately, we see common schools and leadership academies. We see these individuals find their way into urban districts more commonly in the last three to five years and for some odd reason we always find ourselves paying professional development contractors after we just paid them money to identify and then hire teachers to be recruited for our district. That's something that I think is critically important. I think that follows the theme about the racial emphasis that we see in our district where we see a lot of black and brown teachers being removed out of the district and unfortunately being replaced with younger ones. Younger doesn't mean better. It doesn't mean experience. It just simply means a cheaper, less expensive, but not better for our children. I think that's something we can find a way to share information and get a common understanding of what's going on in our districts. I think we'll see that it's happening everywhere in our school district as well as yours.

Mr. Lewis: I already made my suggestion. I also have one additional suggestion. When we talked about where they're taking over it's mostly African American and Latino communities. We also need to partnership with the NAACP and get them involved because we may have a civil rights case in front of us as well.

Mr. Rashidi: Good evening everyone. I believe it was 1954, Brown vs. Board of Education, separate but equal. I think what we're finding here in 2013 is that we're still separate and still unequal. I love the whole idea about the Boards actually tapping into the ACLU to fight on behalf of the students. The bottom line is the state came in because they said we were failing our students. The state has been in control and our students are still being failed. So I love that idea. I think we need to move forward with haste on contacting the ACLU, the NAACP, or some other independent organization that can evaluate. It's just crazy to me that the state is evaluating itself but refuses to turn over local control.

Mr. Hasan: Good evening, Rashon Hasan, Newark Board of Education. My colleagues have brought forth some great points and some great recommendations. As a newly elected Board member, I think it's very important for us to understand the rules of this game that we find ourselves involved in. When I think of state takeover and state intervention, I also think of the corporate models that have been implemented within the various school districts as a result of that. I think it's important for us as Board members and members of our communities to understand that so that we can ensure that we're making sound decisions. So when you talk about corporate models one thing that's very important in corporate structures is risk assessments. In most departments we have a risk management department in most of the districts. When you think about that I think that's something that we need to use to our advantage also and call for risk management assessments of every decision that is being made on behalf of our Superintendents and the State of New Jersey when they're actually bringing forth plans that they want to implement within our school districts. I also think that as Newark School Board any state district that is involved in state intervention we should have our own legal teams. Right now in most of our districts we have a general counsel who's appointed by our Superintendent. They're not there to serve us. They're there to give us whatever limited information they can to make our jobs a little more difficult when it comes down to actually finding out root causes and getting key information that's going to help us make sound decisions on behalf of our students and our communities. I also think there's one very important factor that we forgot to mention earlier when we talked about the politics and the policy piece and I believe that's the educational think tanks. If you can, take some time to do some research on educational think tanks. These are pretty much organizations that are funded to do research. You have them for various industries and we have them in regards to education. One of the largest educational think tanks is the Fordham Institute. They actually get paid to produce research, policy papers, and things of that nature which often support the agenda of organizations that want to come in and take over school districts and basically extort and extract all of the resources from those various school districts. So I think if we kind of tie in some of those things it will also help us out in our unified efforts to regain local control and move our school districts forward. Thank you.

Comm. Kerr: I think it's a very important effort of the three School Boards to come together and have this kind of discussion regarding the state takeover. However, after this meeting we need to ask ourselves, what? My recommendation is simply that we put together a working group comprised of the various districts and commission that group to present a working document that will direct our way out of this. I totally don't understand how the State Department of Education could develop a document saying you can go into a district, you can take it over, but there is nothing in that document that

says if the district is not improving or has not improved within a given time you leave. I think it's very important that we make a note that the state needs to tell us. The onus should not be totally on the district to prove whether or not they are in compliance with sending a particular document to the Department of Education. They need to tell us if you are not performing you are out of here, just like they are willing to take over. So I would like to see us from these meetings put together a working group, present a position paper, and see if we can take it from there. Thank you.

Comm. Hodges: Jonathan Hodges from Paterson. One of the reasons we wanted to bring all three districts together was because the Urban Boards Committee saw a number of different areas that are impacted by state control. It's not just the actual state takeover districts, but there are school facilities, funding, and a number of things that we share in common that have to be addressed. State takeover is the ultimate difficulty, putting aside the poor educational outcomes of our children. What we wanted to do and what we are charged to do was to take back a reporting document to the Urban Boards Committee so that we could educate that committee and also the vast majority of school districts who don't understand what takeover means, what it implies, and some of the difficulties. Over and above that, we also wanted to help the New Jersey School Boards Association understand better ways to advocate for takeover districts and urban districts in general. So putting together a position paper is extremely important and I think that's something that we're going to have to do as a result of all these meetings. That's number one. Number two, I agree with Mr. Kerr about putting together small groups from each of the committees and each of the Boards because there are certain actions that you might not want to take in public. As committees you can meet as committees of four in order to discuss actions, particularly around any legal action. You're not going to want to do that in public. So that could be an offshoot after we've met in Jersey City to determine what kinds of things we want to do in planning and moving forward. I did want to say a couple of things about why we don't have the taping. The question was asked. We had applied for taping and we were turned down. This is not really a district function. This is a separate function and that was the reason for not taping the program. Lastly, I will say don't worry about the quantity of the people who are here tonight. It was already mentioned that the quality of the people and the fact that they are here is important. Movements don't start with large amounts of people. It's always a small group of committed individuals who ever carry things to fruition. This information had to be brought to the surface and dispensed. There's a very big event going on with the Teacher of the Year tonight so I'm very surprised that many people came here at all given the nature of that particular event. So I do want to thank people for coming for those who are here. We're going to continue to have these discussions and hopefully develop something substantial in the future. I also want to thank Dr. Tractenberg for his presentation and coming on very, very short notice.

Ms. Baskerville-Richardson: Thank you again to everyone who came out this evening. We really greatly appreciate it. Echoing what has been said, I think that the people who came out tonight a special thank you to you again. It's not quantity. I don't want to repeat what everyone has said, but your presence is appreciated. Your comments are appreciated. This is an ongoing process. I think that the smaller committee is very important. I think we also need to continue these larger meetings maybe on a quarterly basis, get a little more organized, keep the communication flowing, and do all the things that we know we have to do to work together. I really look forward to that. I also just want to support Mr. Lewis' suggestion about going to the State Board of Education meeting in June. It's something that my district had discussed and we will certainly let folks know as we proceed in organizing for that. Thank you to everyone again.

Ms. Mack: I'm going to be brief because we're running out of time. As a point of information, we have been pursuing the school facilities portion. We've been meeting with Dave Sciara from the Education Law Center and we have our own attorney, Richard Shapiro, who is an Abbott vs. Burke expert. We are at that point where we are pursuing an agenda to get the state to fulfill their constitutional responsibilities to our students. I'm sitting here trying to think of commonality and that's one that we probably can help you with. I can do that one. Other members of my Board are very engaged in the nuts and bolts of educational issues.

Comm. Martinez: I, too, am going to be brief. I just want to thank everyone from Jersey City and Newark for continuing to fight this good fight. I really don't want to reiterate my comments that I made earlier, but I think this is a great opportunity for us to come together and in this particular endeavor there's definitely strength in numbers. If we can make some noise down in Trenton and make some noise at the Governor's office, they'll have no choice but to hear us and to take us seriously. So again, I look forward to continuing working on this endeavor with you all and thank you for your time and your insights.

Comm. Mendez: I also would like to thank Jersey City, Newark, and the Professor for helping us with the great information. I'm very pleased with the information that I received regarding QSAC. Now I realize that this is a fight that we have to take to the next level and we have to stay united. We have to find and create a plan to have community support in this case. Also to our Board President from Jersey City, I'm very pleased with the information that I received. I've been advocating and fighting for that partial local control that by the NJQSAC law we should have right now. Now I hear your situation in Jersey City that even having partial local control is like being under state control. Now I'm 100% sure that we have to continue with this lawsuit we have against the state and we have to take this fight to the next level united as the three largest cities in the State of New Jersey and also with the community. We have to put the plan in place and we have to make sure that the administration is going to work in collaboration to inform the community and the parents when we're having those meetings. Thank you.

Comm. Simmons: Good evening. I just want to first reiterate something that Ms. Sterling brought to light earlier. In the achievement districts she mentioned New Orleans. Pre-Katrina the New Orleans Public School District was taken over, and after Katrina Orleans Parish was taken over. Orleans Parish now has control of their district, but they only control four schools. Half of the students in the New Orleans Public School System are now attending charter schools. If we pay attention the RACs are set up to do the same things here. So if we're not careful before we are granted or we achieve local control we will probably lose half of our schools. So, in order to fight that or combat that, it's important that we organize. We should also reach out to our legislators. I know that here in Paterson I have access to my legislators. I can call them up in the middle of the night and harass them. I only say that because one is sitting here. But I think that we need to work with our legislators. Let's come up with some bills to correct the issues with QSAC. Also, we need to get the community more involved. Maybe we can learn something specifically here in Paterson from Newark because you have such high public attendance at your meetings. What we need to do is get the public involved. I'm not sure what the turnout looks like in Jersey City, but we can learn something from Newark in getting the public involved and I think that's how we combat these situations. Thank you.

Mr. Lyons: The only thing I will say is between our three cities there's about 675,000 people and this 100-person grassroots group and the organization that Professor

Tractenberg told us about is enough to get things rolling. I hope that we can do that and if we double it up every now and then we can really make some progress.

Ms. Gangadin: Thank you again, Professor. Thanks to the Paterson and Newark School Boards for the opportunity to be here this evening and thanks to the community for being here. A lot has been discussed here tonight. We share the same sentiments and we look forward to continuing this dialogue with a working plan with some benchmarks so that we can continue this progress.

Ms. Harrison-Arnold: I, too, want to reiterate all my colleagues' comments as far as thanking everyone for their participation as well as the community. I think the strength that we really have is, as one of our speakers alluded, they don't expect us to do anything. They underestimate the power of our Boards and the power of our communities. That's something that we need to capitalize on. The fact that Abbott is as strong as it is in New Jersey, and there is no other state that has anything like Abbott, I think gives us compelling reasons to be able to pursue this in the court. As Professor Tractenberg said, we have friends we don't know about. They've gone too far because what they're doing doesn't only affect state controlled-districts, it affects districts who have local control. I don't know if any of you had the opportunity to attend the National Society of Boards Association conference in San Diego, but they've changed their whole organizational structure. They're about advocacy now because the feds and the states have been encroaching on local control throughout this country. It's not just in state-takeover districts and that gives us another source of allies. It doesn't only affect state-takeover districts. I love the idea of the small working groups. I love the idea of having a position paper. We need to hit them hard because I think we have the capacity to do that if we work together and strategically.

Ms. Lester: I feel like here we are speaking truth to marketing plans. When I ran for the Board three and a half years ago it was because we had a new President and everyone seemed to forget what a huge mess George Bush left for this country and how he destroyed public education deliberately with No Child Left Behind. Here we were seven years later with people still arguing. When my child was younger I helped start a charter school where all the teachers unionized, but when it comes down to this money, two-thirds of a trillion dollars, that's the national budget. According to No Child Left Behind, 84% of this country's schools were being technically called failing two years ago. All of a sudden they did their own work of showing that it wasn't fair because the wealthier districts said, "Wait a minute." So New Jersey figured out a way to cut the wealthy districts out of the punitive damages because then they won't get themselves reelected again and now it's just down on all the urban districts. In a lot of ways the other districts in New Jersey are all staying quiet because they feel relieved that at least it's not them anymore. Let's say best case scenario they really just want to help improve education. Then why would you have a free-for-all of charters? In the report that Dr. Tractenberg did comparing charters one in five does better. Two in five do worse. The rest do about average. Why would they not even just take the one that does well and make it a model? Take the one public school that does well and make it a model. There are so many ways that it's just a marketing plan and they've put all the numbers out there. There are so many ways that we can show that there's not parity. The first private school voucher was in Edison where they said, "We don't need teachers. We can teach to a script." Was that it? That was their first idea. These are bad ideas and they have no idea except the marketing plan. So we definitely are in the right here and we have a lot of power. We have a lot of people.

Dr. Tractenberg: Actually, one idea that may be floating around, but I haven't heard directly expressed, I think one thing you need to do is develop a media plan. I think

there are a lot of influential people who are very skeptical about local control in the cities. I've had a back-and-forth over months with the head of the editorial page at the Star Ledger who said, "I'd rather have the devil I know, the state, operating the schools, than the devil I don't know of local control." I think in a way it's a pity this wasn't taped because I've been at a lot of meetings of public bodies, State Boards of Education, local school districts, and municipal councils and this is one of the most impressive meetings I've been at and one of the most impressive participations of the public. If I had the power I'd give you all local control because I think you earned it tonight and you earned it by who you are and you earned it by your concern for kids. I don't see that in the state. I'm definitely on the side of local control with all of its difficulties and unpredictability, but I think you have to make the case and the media is one place you can make that case. You might want to create a committee and try to meet with the editorial board of the Star Ledger, The Record, or your local newspapers and try to persuade by your presence key people that you're serious and substantial people and local control in the hand of folks like you would be good not bad.

Assemblyman Benjie Wimberly: Good evening. I'll be brief. I know you guys have worked. I think you said it all. You're really a great brain trust here when you're talking about the people who care about our kids in public schools. I always preface it by saying I'm a product of Paterson Public Schools. All four of my boys have attended public school here. Three are currently in grammar school now. The issue is there's power in numbers. Time is a factor and I'm going to tell you why. It's an election year. If Chris Christie gets back in office it becomes a national office. So the national picture doesn't care about public education and poor kids. They're going to look at what you said, charter schools. That is what they're looking for and the money behind it. I've had conversation and interaction with some of our School Board members and you have the material that you know what's going down. So instead of some people as they say becoming millionaires when they leave this office or moving to a national office, there is going to be 50 millionaires and they're going to have major offices in Washington DC if we're not careful. So the issue is time. Between Newark, Jersey City, and Paterson there are a lot of votes. Your votes are stronger than any Joe D, Norcross, or anybody else. Your votes are a lot stronger than that and you have to realize that. But we cannot let the vote be suppressed and say we don't have a chance because it's a woman who's running it who's for public education or for local control. If you guys have had an opportunity to talk to Senator Barbara Buono she will be on our side. She understands the issue. She understands the big business of charter schools. You have to galvanize. You have to come out in numbers. I commend Newark. When we had our hearings at the Rutgers Law Center, when those kids were outside, when we walked in, and when I saw your community leaders from Newark come out there and articulate all of the facts, I'm sitting next to Newark legislators talking about they don't mess around, they get out there and make the numbers. Whatever you're doing we have to share it together. But you have to be the voice of the people. If it takes you going to barber shops, beauty salons, churches and splitting up every Sunday, put their feet to the fire. The NAACP and all these other organizations and all these other people who want to be great politicians on Facebook, Twitter, and Instagram, put them to work for our children. You have to get out here and it has to be done now because after November if Chris Christie is reelected you can forget about it. This becomes no priority at all. Cerf's tone will change so much between now and November it will be ridiculous. For any of you Board Presidents or people to get a meeting with him then you can forget about it. But now we have some bargaining chips. He does not want to be put on the national stage. They do not want to see thousands and thousands of people in front of the State House with poor Black and Latino children and people who are not of the income of those other people out there. They do not want that notoriety. That puts a dent on his national stage. That puts a dent on him. So guys, all I'm asking you is to

come together. You have some great brain trust, but it's going to take more than a position paper. It's going to take some loud mouths. It's going to take some kicking doors in. You're going to have to put some local leaders to task. When I say local leaders put to task you're going to have to put your Mayors to task. You're going to have to put your county people to task, your council people to task. You know where some of them stand, but when you're talking about editorial boards, get in there. You know some of them have sold out. You know they have, but at least call them to the table. The people who have sold out our children make sure that they are really called to task. But time is ticking because if Chris Christie gets back in after November, forget about it. We're going to wake up one morning and School 13, School 4, and all these schools that are here will be charter schools and run by people from New York, Chicago, and everywhere else. We won't even be able to identify the staff. So do not sleep on this whole situation. Time is a factor. You cannot go back and we've all been part of meetings where we sit around and we have great brains and great brain trust and then nothing ever gets accomplished. Get it done. That's all I'm saying. Get it done. I'm here for you. I'm part of the Joint Commission on Public Education. We have great leadership in Senator Ron Rice from Newark who knows the story. When you talk to Ron Rice he's not afraid to call out Cerf or anybody else and you know that. You know the issues. You know the people that they're trying to bring in here. Fight. Fight. Fight. That's all I'm going to say. But time is a factor. Guys, I'm with you.

Comm. Irving: Next steps after we leave here we will get together with Jersey City to figure out when the next date will be and we'll use that meeting as our action meeting for setting whatever agenda we need to set and we need to do.

It was moved by Comm. Mendez, seconded by Comm. Martinez that the meeting be adjourned. On roll call all members voted in the affirmative. The motion carried.

The meeting was adjourned at 10:10 p.m.